

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LLOYD DANIEL BATE,

Defendant.

Hon. Janet T. Neff

Case No. 1:19-cr-00202

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a four-count Indictment. Count 1 charges him with attempted sexual exploitation of a child, in violation of 18 U.S.C. § 2251(a)(e); count 2 charges him with distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2), (b)(1); count 3 charges him with possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B); and count 4 charges him with transportation of minor, in violation of 18 U.S.C. § 2423(a). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis that he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on August 27, 2019, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral

submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of non-appearance and danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden by clear and convincing evidence that he is a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on August 27, 2019.

Date August 27, 2019

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge